

REMARKS

In the Office Action, claims 2-8 and 11-12 are rejected under 35 U.S.C. §112, first paragraph. Claims 1 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,118,882 to Haynes (“Haynes”) in view of U.S. Patent No. 4,450,495 to Naruki (“Naruki”). Claims 1-2, 5-6 and 10-12 are amended herein. It is respectfully submitted that no new matter is introduced by these amendments. Applicants believe the rejections have been overcome for at least the reasons below.

In the Office Action, Claims 2-8 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Specifically, the Patent Office objected to the “portable” transmission apparatus. Applicants have amended Claim 2 to remove the word “portable”. For at least this reason, Applicants respectfully request that the §112 rejections for Claims 2-8 be withdrawn.

Claims 11 and 12 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Specifically, the Patent Office objected to the limitations “the second electrode, the demodulating means, and the audible sound generating means are incorporated into a headphone” and “the second electrode is at least one ear pad on the headphone.” Applicants have amended Claims 11 and 12 to indicate that the third electrode, the second demodulating means and the second audible sound generating means are incorporated into a headphone and that the third electrode is at least one ear pad on the headphone. Support for these limitations is provided at least by Page 8, Line 13 to Page 9, Line 4 of the originally filed specification. For at least this reason, Applicants respectfully request that the §112 rejections for Claims 11 and 12 be withdrawn.

Claims 1 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,118,882 to Haynes (“Haynes”) in view of U.S. Patent No. 4,450,495 to Naruki (“Naruki”). Applicants respectfully disagree.

Claim 1 is amended to include the limitation that the audio modulated signal is generated based on stored audio data. Support for this amendment is provided at least by Page 14, Lines 12-16 of the originally filed specification. Claim 1 relates to a portable audio listening apparatus. The apparatus includes means for generating an audio modulated signal modulated in a band in which a signal is transferred by using a human body of a single user. The audio

modulated signal is generated based on stored audio data. The apparatus also includes a first electrode for outputting the generated audio modulated signal and a second electrode for receiving the audio modulated signal transferred through the first electrode and then through the body of the single user, with a transmission path of the audio modulated signal not being capacitively coupled to ground. The apparatus further includes means for demodulating the audio modulated signal received by the second electrode, and downloading said demodulated signal into said audio listening apparatus for storage. Further, the apparatus includes means for generating audible sound according to the demodulated signal stored in said listening apparatus. The second electrode is adapted to receive the audio modulated signal sent from an audio-signal transmission apparatus.

Haynes discloses an audio apparatus which includes a base unit including circuitry for generating electrical signals representing sounds and at least one earphone adapted to receive the electrical signals and to reproduce sounds represented by the signals transmitted through the user's body. Haynes also discloses transmitting from a microphone to the base unit and transmitting data from a watch to a computer. However, the microphone signal is not generated based on stored audio data. Similarly, the data on the watch is not disclose or suggested as being stored audio data. It is therefore respectfully submitted that Haynes does not disclose or suggest transmitting an audio modulated signal, generated based on stored audio data, through the body of a single user to be demodulated and stored as in Claim 1.

Naruki discloses a portable stereo system which includes a body unit having a tape player/recorder and a hinge portion and loudspeaker units having matching hinge portions. The system is capable of receiving and recording a signal from a microphone. However, Naruki does not disclose or suggest the portable stereo system receiving a signal based on stored audio data. Further, Naruki does not disclose or suggest receiving a signal through the body of a single user. It is therefore respectfully submitted that, like Haynes, Naruki does not disclose or suggest transmitting an audio modulated signal, generated based on stored audio data, through the body of a single user to be demodulated and stored as in Claim 1.

For at least the above reasons, it is therefore respectfully submitted that independent Claim 1 is patentably distinguished over Haynes in view of Naruki and are in condition for allowance. For similar reasons, independent Claims 2 and 10 and Claims 3-8 and 11-12 that

depend from Claim 2 are each patentably distinguished over Haynes in view of Naruki and are in condition for allowance.

Further, Claims 3 and 4 include means for storing individual authentication data. It is respectfully submitted that neither Haynes nor Naruki disclose or suggest means for storing individual authentication data. For at least these reasons, it is therefore respectfully submitted that Claims 3 and 4 are each patentably distinguished over Haynes in view of Naruki and are in condition for allowance.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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